

(c) if so, the amount being arranged for this purpose and by when modernisation and computerisation of all the courts will be completed; and

(d) whether the process for appointing additional judges has been initiated?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY):** (a) to (d) The primary responsibility for increasing judge strength in the district and subordinate courts as also filling up of vacant posts therein vests with the respective State Governments. In so far as the judge strength in the High Courts is concerned, the Central Government reviews it every three years. The last review was undertaken in the year 2003 when 94 new posts were recommended. On an interim reviews, 4 posts of Judges were approved for the Bombay High Court in 2005, making a total increase of 98 posts. The next review is due in 2006 for which analysis of the data supplied by the High Courts has been taken up.

Government has computerized the city courts of four metropolitan cities of Delhi, Mumbai, Chennai and Kolkata at a cost of Rs. 18.22 crore and has taken up implementation of computerization of city courts in the State capitals or in cities where High Courts are located through the National Informatics Centre (NIC) at an estimated cost of Rs. 24.81 crore. The Supreme Court of India has been fully computerized. Modernization and computerization of the courts is a continuing process. Presently, Government has initiated a scheme to computerize district and subordinate courts of the country.

### **Right to speedy trial**

†1235. **SHRI RAM JETHMALANI:**

**SHRI RAJ MOHINDER SINGH MAJITHA:**

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that 'Speedy Trial' is one of the fundamental rights conferred by the Parliament of India;

(b) if so, the details in this regard;

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†Original notice of the question was received in Hindi.

(c) whether it is a fact that this right is being violated in Indian courts due to delayed disposal of cases by the courts; and

(d) if so, Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) to (d) Though the right to speedy trial as such is not enshrined in the Constitution, the Supreme Court of India has, in a number of cases, held that it is a constitutional right of the accused implicit in and flowing out of Article 21 of the Constitution. In a judgement delivered by the apex court in the *Moti Lal Saraf V. State of Jammu & Kashmir and Anr*, Criminal Appeal No. 774 of 2002 on 29-09-2006 the Court has, *inter-alia*, mentioned: "This Court in a number of cases has reiterated that speedy trial is one of the facts of the fundamental right to life and liberty enshrined in Article 21 and the law must ensure 'reasonable' just and fair' procedure which has a creative connotation after the decision of the this Court in *Maneka Gandhi's case*....". The Apex court in the above cited judgement has also observed "....it becomes abundantly clear that no general guideline can be fixed by the court and that each case has to be examined on its own facts and circumstances". Government has taken a number of steps both in the matter of providing infrastructure and material support for judicial administration as also increasing a legal / procedural matrix through improvements / amendments in the laws and codes of procedure. An important step in the direction of reducing the pendency in criminal cases in Sessions Courts is Scheme of Fast Track Courts. Government also provides financial support for construction of courts. With a view to maintaining the required strength of judges in the High Courts, Government reviews the Judge strength triennially and ensures prompt appointment of judges. The Code of Criminal Procedure has been amended in 2005. The concept of Plea-bargaining has been introduced. These facilitate reduction of backlog and faster trial of cases. Government has also initiated a scheme for application of Information and Communication Technology that would result in faster trials and disposal of cases also in Appeal cases.